

Attorney Docket No.: 02CON382P-CIP
Application Serial No.: 10/655,698

REMARKS

In the *Non-Final* Office Action of July 10, 2008, the Examiner has rejected claims 1, 3-6, 8, 10-13, 15-21, and objected to claims 2, 7, 9 and 14. By the present amendment, applicant has amended claims 1, 8 and 15-21, and added new claims 22-30. After the present amendment, claims 1-30 remain pending in the present application. Reconsideration and allowance of outstanding claims 1-30 in view of the above amendments and following remarks are requested.

A. Rejection of Claims 15-21 under 35 USC § 112, ¶ 1

The Examiner has rejected claims 15-21 under 35 USC § 112, ¶ 1, as failing to comply with the written description requirement. By the present amendment, applicant has amended claims 15-21 to recite “A computer software in an encoder for encoding a picture (n) in a sequence of pictures (1 to n)” Applicant respectfully submits that claims 15-21, as amended, are at least supported by the original claims 15-21 of the present application, and the disclosure that “In other aspects, computer software programs, systems and devices of the present invention can perform one or more steps of the aforementioned methods.” (Page 7, lines 10-11.) Further, applicant respectfully submits that claims 15-21 recite that the computer software resides in an encoder, which is a patentable subject matter under 35 USC § 101.

Accordingly, applicant respectfully submits that the Examiner’s rejection of claims 15-21, under 35 USC § 112, ¶ 1, has been overcome.

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B. Rejection of Claims 1, 8 and 15 under 35 USC § 103(a)

The Examiner has rejected claims 1, 8 and 15, under 35 USC § 103(a), as being unpatentable over Veltman (USPN 5,481,543) ("Veltman") in view of Acer (USPN 6,151,359) ("Acer").

Applicant acknowledges and appreciates the Examiner time for conducting an interview with the undersigned. As discussed with the Examiner, applicant has amended independent claims 1, 8 and 15 to recite formula D-3 on page 11 of the present application. As agreed by the Examiner, the cited references fail to disclose, teach or suggest, independent claims 1, 8 and 15, as amended to recite formula D-3 on page 11 of the present application.

Accordingly, applicant respectfully submits that the rejection of independent claims 1, 8 and 15 has been overcome.

C. Rejection of Claims 3-6, 10-13 and 17-20 under 35 USC § 103(a)

The Examiner has rejected claims 3-6, 10-13 and 17-20, under 35 USC § 103(a), as being unpatentable over Veltman in view of Acer, and further in view of Legall (USPN 5,929,916) ("Legall").

Applicant respectfully submits that claims 3-6, 10-13 and 17-20 depend from claims 1, 8 and 15, respectively, and should also be allowed at least for the same reasons stated above in conjunction with patentability of claims 1, 8 and 15.

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D. New Claims 22-30

By the present amendment, applicant has added claims 22, 23 and 24, which depend from independent claims 1, 8 and 15, respectively, and recite a deleted portion of independent claims 1, 8 and 15, i.e. "wherein said initial arrival time of said picture into said pre-decoder buffer is no earlier than a difference between an encoder processing time of said picture and an encoder processing time of said previous picture." Therefore, applicant respectfully submits that no new matter has been added, and claims 22, 23 and 24 should also be allowed at least for the same reasons stated above in conjunction with patentability of claims 1, 8 and 15.

Further, by the present amendment, applicant has added independent claims 25, 27 and 29. It is respectfully submitted that independent claim 25 includes all of the limitations of claim 1 and claim 2, as of the Examiner's objection to claim 2 in the Office Action of March 6, 2008. Similarly, claims 27 and 29 include all of the limitations of claims 8-9 and 15-16, respectively, as of the Examiner's objection to claims 9 and 16 in the Office Action of March 6, 2008. Also, new claims 26, 28 and 30, which depend from claims 25, 27 and 29, respectively, correspond to claims 7, 14 and 21, as of the Examiner's objection to claims 7, 14 and 21 in the Office Action of March 6, 2008. Therefore, applicant respectfully submits that no new matter has been added, and claims 25-30 should also be allowed at least for the same reasons the Examiner found claims 2, 7, 8, 14, 16 and 21 allowable in the Office Action of March 6, 2008 if rewritten in independent forms.

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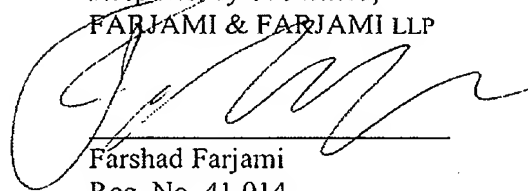
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E. Conclusion

For all the foregoing reasons, an early Notice of Allowance directed to claims 1-30 is respectfully requested.

Respectfully Submitted,
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